

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1647

5 By: Representative D. Douglas  
6 By: Senator B. Pierce  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS REQUIRING ANY TEMPORARY TAG  
10 FEE IN EXCESS OF TWO DOLLARS AND FIFTY CENTS (\$2.50)  
11 TO BE RETAINED BY THE STATE; TO ESTABLISH A PENALTY  
12 FOR INAPPROPRIATE ISSUANCE OF TEMPORARY TAGS; AND FOR  
13 OTHER PURPOSES.  
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## Subtitle

16 TO REQUIRE ANY TEMPORARY TAG FEE IN  
17 EXCESS OF TWO DOLLARS AND FIFTY CENTS  
18 (\$2.50) TO BE RETAINED BY THE STATE AND  
19 TO ESTABLISH A PENALTY FOR INAPPROPRIATE  
20 ISSUANCE OF TEMPORARY TAGS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 19-6-201(54) concerning the general  
27 revenues of the State of Arkansas, is amended to read as follows:

28 (54) The first ~~three dollars (\$3.00)~~ two dollars and fifty cents  
29 (\$2.50) of each unregistered vehicle temporary preprinted paper buyer's tag  
30 fee, § 27-14-1705;  
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32 SECTION 2. Arkansas Code § 27-14-1705(f)(3)(B), concerning the fees  
33 collected for temporary preprinted paper buyer's tags, is amended to read as  
34 follows:

35 (B) All amounts in excess of the first ~~three dollars~~  
36 ~~(\$3.00)~~ two dollars and fifty cents (\$2.50) of the fee collected under



1 subdivision (f)(1)(A) of this section shall be deposited into the State  
 2 Treasury, and the Treasurer of State shall credit them as cash revenue to the  
 3 credit of the Revenue Division of the Department of Finance and  
 4 Administration to offset administrative costs.

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 6 SECTION 3. Arkansas Code § 27-14-1705(h)(1) and (2), concerning  
 7 administrative remedies regarding temporary tags, are amended to read as  
 8 follows:

9 (h)(1)(A) In addition to any other penalty prescribed by this section,  
 10 the director may suspend or terminate a dealer's authority to issue temporary  
 11 preprinted paper buyer's tags if the director determines that the dealer,  
 12 manager, salesperson, or employee of the dealer:

13 ~~(A)(i)~~ Issues more than one (1) temporary preprinted  
 14 paper buyer's tag to the same buyer for the same motor vehicle, except as  
 15 authorized under subdivision (b)(2) or subdivision (d)(2) of this section; or

16 ~~(B)(ii)~~ Utilizes a temporary preprinted paper  
 17 buyer's tag for any use other than a use authorized by subsections (b) and  
 18 (d) of this section.

19 (B) In addition to any other penalty prescribed by this  
 20 section, if the director determines that the dealer, or a manager,  
 21 salesperson, or employee of the dealer, has violated this subsection, the  
 22 director may impose a penalty equal to ten dollars (\$10.00) for each  
 23 inappropriately issued temporary preprinted paper buyer's tag.

24 (2) The director shall:

25 (A) Notify the dealer in writing of the imposition of a  
 26 penalty or of a suspension or termination of the dealer's authority to issue  
 27 temporary preprinted paper buyer's tags under this section; and

28 (B) Provide information in the notice regarding the  
 29 prohibited activity upon which the suspension or termination is based.

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 31 SECTION 4. Arkansas Code § 27-14-1705(h)(5), concerning administrative  
 32 remedies regarding temporary tags, is amended to read as follows:

33 (5)(A) A dealer who desires a hearing on the imposition of a  
 34 penalty, or of the suspension or termination of the dealer's authority to  
 35 issue temporary tags under this section, shall notify the director in writing  
 36 within twenty (20) days after receipt of the notice of imposition of a

1 penalty, or of the suspension or termination.

2 (B) A hearing officer appointed by the director shall  
3 schedule a hearing in an office of the Revenue Division of the Department of  
4 Finance and Administration in the county of the dealer's principal place of  
5 business, unless the director and the dealer agree to another location for  
6 the hearing or agree that the hearing shall be held by telephone.

7 (C) Hearings conducted under this section shall be subject  
8 to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

9 (D) The hearing officer shall render his or her decision in  
10 writing to modify, reverse, or affirm the imposition of a penalty, or of the  
11 suspension or termination of the dealer's authority to issue temporary  
12 preprinted paper buyer's tags, based upon the evidence presented at the  
13 hearing and shall serve a copy of the decision on the dealer.

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15 SECTION 5. EFFECTIVE DATE. Sections 1 through 4 of this act are  
16 effective on the first day of the calendar quarter following the effective  
17 date of this act.

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20 APPROVED: 03/25/2015  
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